

THE YOKOHAMA SPECIE BANK,
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Capital Paid up.....18,000,000
Reserve Fund.....9,210,000

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The Bank buys and receives for collection Bills of Exchange, Issues Drafts and Letters of Credit, and transacts a general banking business.

Honolulu Branch 67 King Street

CORPORATION NOTICES.

Election of Officers.
JAPANESE RICE MILL CO., LTD.

The fourth annual regular meeting of the Japanese Rice Mill Co., Ltd., was held on the 8th day of January, 1904, and the following officers and directors were elected to serve for the ensuing year:

Y. Suga.....President
D. Yonekura.....Vice-President
W. Motoshige.....Secretary
Y. Takakura.....Treasurer
S. Kojima.....Auditor
S. Kimura.....Director and Manager
M. Kawahara.....Director
K. Odo.....Director
T. Katagihara.....Director
M. Murakami.....Director
W. Motoshige.....Secretary

Secretary Japanese Rice Mill Co., Ltd., Honolulu.

Election of Officers.

At the annual meeting of the United Chinese Society held on January 1st, 1904, the following officers were elected to serve for the ensuing year:

C. K. Ai.....President
Y. Koo Kan.....Vice-President
Lau Tang.....Secretary
C. Kan Horn.....Asst. Secretary
Ho Fon.....Treasurer
Lum Fai.....Asst. Treasurer
LAU TANG.....Secretary

Honolulu, January 15, 1904.

Election of Officers.

At the Annual Meeting of the Stockholders of the Honolulu Soap Works Co., Ltd., held this day, the following Officers were elected for the ensuing year:

Cecil Brown.....President
L. C. Ables.....Vice-President
Jas. L. McLean.....Secretary and Treasurer
Z. K. Meyers.....Auditor
The above officers with Mr. W. G. Cooper constituting the Board of Directors.

JAS. L. McLEAN, Secretary.

Honolulu, Jan. 12th, 1904.

MEETING NOTICE.

THE WAIMEA SUGAR MILL CO.

A special meeting of The Waimea Sugar Mill Company will be held in the Assembly Room over the offices of Castle & Cooke, Limited, in Honolulu, at 10 o'clock a. m., on the 25th day of January, 1904, for the purpose of authorizing the execution and delivery of a promissory note and mortgage securing same to Castle & Cooke, Limited, for the outstanding indebtedness, and for any business in connection therewith; also to fill existing vacancies in the Board of Directors, and to take such steps relative to the Directors as may be necessary.

By order of the President.

E. D. TENNEY,
Secretary The Waimea Sugar Mill Co.
Honolulu, Oahu, H. T., Dec. 30th, '03.

NOTICE.

The interest of Luke Mon Wah in the firm of Sang Chong Lung Co., pork and meat butchers, corner of King and Kamehameha streets, is hereby assigned to Lee Sing; also leasehold at Kalihi, pigs pens, horse, harness, carts, furniture and appurtenances appertaining to the butcher's business on said premises.

LEE SING.

Honolulu, Jan. 11, 1904.

NOTICE.

Notice is hereby given that by that certain deed of trust dated December 4th, 1903 and recorded in Liber 254 on pages 175-183 Hawaiian Registry of Conveyances W. C. Achi of Honolulu conveyed to the undersigned upon the trusts in the said deed contained, all of his right, title and interest in those certain premises situate at Mokuauia, Kalihi, Oahu known as the Kapiolani Tract, and all persons holding agreements for purchase and sale of lots in the said Tract from the said W. C. Achi are hereby notified to make payments of installments due or to become due under the said agreements unto the undersigned at his office on Kahuamau Street, Honolulu.

JAMES F. MORGAN, Trustee.

Honolulu, T. H., Jan. 15, 1904.

NOTICE.

Notice is hereby given that from and after this date the Hawaiian Trust Co., Ltd., by mutual consent, is no longer acting as General Agents for the Germania Life Insurance Company in this Territory.

HAWAIIAN TRUST CO., LTD.
C. H. COOKE, Secretary.

Honolulu, T. H., Jan. 13, 1904.

Twenty-five cents pays for a Want ad in the Star. A bargain.

Jesse Moore
A. A. Whiskey
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Honolulu, H. T.
General Export Agents For
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San Francisco Cal., and Louisville Ky.

THE SIX MONTHS BILL IS THE ONE

OPINION BY ANDREWS HOLDING THAT THE SIX MONTHS BILL IS APPLICABLE NOW.

Attorney General Andrews' opinion as to what appropriations to use for the Territorial government was sent to the governor late yesterday afternoon. It states that the six months' bill should be used and that there is no need of an extra session. The opinion is as follows:

Opinion No. 20.
Honolulu, T. H., Jan. 15, 1904.
To His Excellency Geo. R. Carter, Governor, Territory of Hawaii.
Sir: In regard to the question referred to me, as to what course the government should pursue in regard to appropriations for the ensuing eighteen months, in view of the decision by the Supreme Court, declaring void Act 31 of the Session Laws of 1903, commonly known as the County Act, and in view of the fact that the abolishing of counties threw back upon the Territorial Government the entire burden of governing the whole Territory of Hawaii, as previous to the establishment of counties, and, further, in view of the fact that the appropriation bills for the ensuing eighteen months, as passed by the legislature in extra session, failed to provide appropriations for carrying on the Territorial Government, as it was prior to the enactment of County Law, and to provide for the necessary current expenses and the meeting of the legal obligations of such a government, I would reply as follows:

The Congress of the United States, as evidenced by the Organic Act, undoubtedly intended that the Executive, in carrying on the Government of the Territory, should not be hampered by a recalcitrant or neglectful legislature, or a legislature which might have honestly intended to do what was right but through ignorance or error so acted, in passing appropriations, that the government would be forced to come to a standstill for lack of appropriations. Sec. 54 of our Organic Act provides:

"That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the Governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the Governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this act shall take effect shall be available to the government of the Territory of Hawaii."

The legislature of 1903 failed to pass, in their regular session, any appropriation bills, and were, therefore, called in extra session by Governor Dole, for the purpose of passing such bills. In such extra session they passed, among other acts regulating the current expenditures and salaries for the period from July 1, 1903, to December 31, 1903, and from January 1, 1904 to June 30th, 1905, and the Supreme Court, in the case of In Re Robert Lloyd, 15th Haw. Rep., decided December 18, 1903, held that, in doing so, the legislature acted within its powers, and could so divide the biennial period for which it must make appropriations.

The so-called eighteen months' bills failed to provide, among other things for the maintenance of the Judiciary, Tax and Police Departments, as well as the majority of the Bureau under the Public Works Department. They can in no sense be called "appropriation bills" providing for "the payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are

provided for by the then existing laws." The word "failure" in Sec. 54, above quoted, is not qualified in any way, and I do not believe can be limited in its meaning. It must mean failure from any cause whatsoever, and certainly there has been a complete failure on the part of the legislature in regard to passing bills for the purposes above cited. These bills, having failed in the particulars pointed out, must the Governor re-call the legislature for the purpose of enacting new appropriations for the departments omitted from said bills.

Sec. 54 provides that "the Governor shall call the legislature in extra session for consideration of appropriation bills." This has been done. The section also provides that "until the legislature shall have acted the Treasurer may, with the advice of the Governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated." The clause "until the legislature shall have acted" refers to the time during which this extraordinary use of past appropriation bills may be made.

The legislature has been called, according to law, and has failed to act. Under these circumstances I am of the opinion that the clause, permitting prior appropriations to be made use of, applies. This clause is intended to provide for the very contingency now facing the Government.

Sec. 54 requires, and is mandatory upon the Governor to call the legislature in extra session. It does not, however, require the Governor to continue calling the legislature in extra session, for the consideration of appropriation bills. In order to test this statement, let us assume that the Governor must call the legislature in extra sessions until it shall have acted upon appropriation bills. This would enable the legislature to compel the Governor to keep it in session for the whole term of two years in which they hold office, by a course of parliamentary delay. This reduces the rule to an absurdity, and shows that it is beyond the intention of this section. The only mandatory requirement is, that the Governor call the legislature in extra session when they fail to act in their regular session, and this has been done. It does not require him to call an extra session until the legislature shall have acted. But if they fail to act in such session, then the section states the remedy. The argument that the legislature did not fail to pass the necessary appropriation bills in their extra session has no foundation in fact. By omitting the departments they did, the appropriation acts are worthless for the complete carrying on of the Territorial Government, and a government, which is not complete in all its necessary departments, is not a government at all. The failure, therefore, to provide for the Police and Judiciary, is as much a failure to provide for the Government, as though the failure had extended to all the departments of the Government. It is beyond the power of the legislature to pass appropriation bills wiping out departments of Government when the laws requiring these departments, in order that there shall be a legal and valid government within the Territory, are still in force.

These observations apply to all departments whose appropriations are not contained in the eighteen months' bill, but which, by the laws of the Territory, are necessary to the carrying on of the government thereof. If it were held that the Governor must call the legislature in extra session and continue so doing until they should pass appropriations covering these various departments, then the precedent would be established that whenever a legislature, for purposes of its own, wished to force the Governor into granting it a perpetual session, it could pass such appropriations as it deemed proper, leaving out, say, an appropriation for the Treasurer's Department, without which the Government of the Territory of Hawaii could not continue under its present laws. In such a case the Governor would have to keep it in perpetual session until it did make appropriation for that department, because he would be powerless to act under the latter portion of Section 54. This question reduces the situation to an absurdity, and shows the fallacy of such reasoning.

It may be argued that the legislature has the right to regulate appropriations as it pleases; to appropriate or withhold; to establish or repeal an office; to provide or refuse to provide for certain objects that have been provided for by previous legislatures.

With certain exceptions not now necessary to be referred to, this claim can be admitted, with this proviso, that the legislature can withhold an appropriation for a salary for an object, which is not specially provided for by existing laws. That is its privilege and within its power. For example: the legislature failed to make an appropriation for an Assistant Superintendent of Public Works during the last six months of 1903. There was no separate law creating this office, and the legislature, therefore, acted within its powers in failing to appropriate a salary therefor. Had such office been created by statute, the legislature would not have been justified in failing to appropriate a salary therefor until it had first repealed the statute creating the office.

Applying this illustration to the question at issue—specific laws existing at the time when the legislature acted in said special session, provided for certain police, judiciary and other officers and the conduct of their duties. These laws were not repealed by the legislature, and are still in force. They are necessary and essential parts of the Government, and the legislature has failed to make appropriations therefor. This the legislature did not have the legal right to do, and therefore the provision in Section 54, calling the previous appropriation bill into action, is in full force and effect.

The only question remaining is, what is the last appropriation bill under which the Treasurer may, with the advice of the Governor make payments? It seems to me very clear under the de-

(Continued on page six)

THE BANK OF HAWAII
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Incorporated Under the Laws of the Territory of Hawaii.

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UNDIVIDED PROFITS - 70,283.95

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P. C. Jones.....Vice-President
F. W. Macfarlane, 2nd Vice-President
C. H. Cooke.....Cashier
F. C. Atherton.....Assistant Cashier

H. Waterhouse, E. F. Bishop, E. D. Tenney, J. A. McCandless and C. H. Atherton.

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PHONE WHITE 801.

THE SMALL THINGS.

Small accidents often cause injuries of a serious character. William

III, who had headed his troops in many a hot engagement, died from

the effects of a fall from his horse out hunting. William the Conqueror,

who certainly never spared himself in charge or melee, died from the

effects of a bruise caused by his horse shying. Kitchener, who has been

through many battles, and dangers, has been seriously injured by a fall

from his horse. Kitchener's injuries, however, are not likely to be fatal.

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